

REMARKS/ARGUMENTS

Reconsideration of this application as amended is respectfully requested. Claim 1 has been amended, and claims 3 and 24 were previously cancelled. Accordingly, claims 1, 2 and 4-23 remain in this application and are again presented for the Examiner's consideration in view of the following comments.

In the Official Action, claims 1, 2 and 4-23 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 3,506,533 to Berner ("Berner") in view of either U.S. Patent No. 4,825,089 to Lindsay ("Lindsay") or U.S. Patent No. 5,525,421 to Knoerzer ("Knoerzer"). This rejection is respectfully traversed in view of the amendments set forth above and the comments which follow.

Applicant notes that claim 1 has been amended to include the requirement for each of the enclosed channels to be delimited by the first surface of the foam web, the polymer layer of the film and an adjacent pair of the ribs, with the polymer layer being disposed adjacent the foam web. Support for these limitations can be found in paragraph [0034] and Fig. 3 of the present application.

Berner fails to disclose such structures. More particularly, Berner discloses laminate structures having a backing or base material composed of porous or polymeric material (column 3, lines 4-9) with face sheets applied to one or both faces thereof. The face sheets are formed from paper, plastic foil or metallic foil (column 3, lines 9-11). As acknowledged by the Examiner in the Official Action, Berner fails to teach structures in which a polymer layer is interposed between a metal layer of a film and a foam web. Moreover, it would not be obvious from Berner to interpose a polymer film between the metallic foil and the base layer thereof since Berner is concerned with providing a foam/film laminate having improved strength, yet which is flexible in directions transverse to the longitudinal direction of the web. The use of paper, metal or polymer

films provides the desired features, without the need to use metal/polymer films.

Neither *Lindsay* nor *Knoerzer* overcomes the deficiencies of *Berner*. Turning first to *Lindsay*, applicant notes that this reference teaches in Figs. 15-16 an expanded polystyrene base element 100 with a metallized film layer 120 secured to the tops of the grooved surface of the base element. The film layer 120 is formed from a substrate 122 of some unknown material that is metallized on both its top side 124 and bottom side 126 (column 6, lines 45-57), such that a metal layer is adjacent the surface of the base element. Hence, *Lindsay* fails to teach the structure set forth in claim 1 in which a polymer layer is disposed adjacent the foam web so as to define enclosed channels delimited by the foam web and the polymer layer of film.

Turning next to *Knoerzer*, this reference teaches the use of polyethylene adhesives to adhere metallized films to a polymer substrate (column 4, lines 1-4). Even if the use of a polymer adhesive could be considered to form a film including a metal layer and a polymer layer, and applicant does not believe that it can, the teachings of *Knoerzer* would still not render the subject matter of claim 1 obvious. In that regard, one applying a metal film to the ribs of a polymer substrate would apply the adhesive only to the free edges of the ribs. There would be no need to apply the adhesive to the entire metal film since major portions of the film would not be adhered to anything, i.e., they would overlie the channels between the ribs. In that circumstance, the resultant structures would have a layer of polymer between the polymer substrate and the metal film only in the regions overlying the rib, and would have bare metal film in the regions overlying the channels. As such, such structures would not meet the limitations of claim 1 requiring that the enclosed channels be delimited by the first surface of the foam web, an adjacent pair of ribs and the polymer layer of the film.

In view of the foregoing, applicant submits that claim 1 patentably distinguishes over *Berner* when combined with either *Lindsay* or *Knoerzer* as proposed by the Examiner. As claims 2 and 4-23 include all of the limitations of claim 1, applicant submits that, for at least this reason, these claims patentably distinguish over *Berner* in


combination with either *Lindsay* or *Knoerzer*. Accordingly, applicant submits that claims 2 and 4-23 are also allowable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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